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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

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7 FOCALPOINT INTERNATIONAL, INC.,

Case No. 2:18-cv-00236-APG-PAL

8 Plaintiff,

ORDER

9 v.

(Mot WD Atty – ECF No. 40)

10 DOM RUBINO CONSULTING SERVICES,  
INC., et al.

11 Defendants.

12 This matter is before the court on Lewis Roca Rothgerber, LLC's Motion to Withdraw as  
13 Counsel of Record for defendants and counter plaintiffs Dom Rubino Consulting Services, Inc.  
14 and Bizstratplan, Inc., and third-party defendant Dominic Rubino (ECF No. 40). The motion  
15 represents that the clients have failed to honor their financial obligations to the law firm despite  
16 reasonable and repeated notices over a period of months that the firm would be forced to withdraw  
17 if they did not do so. The attorneys of Lewis Roca Rothgerber, LLC therefore seek leave to  
18 withdraw as counsel of record.

19 A corporation cannot appear except through counsel. *See Rowland v. California Men's*  
20 *Colony*, 506 U.S. 194, 201–02 (1993); *Reading Int'l, Inc. v. Malulani Grp., Ltd.*, 814 F.3d 1046,  
21 1053 (9th Cir. 2016). The Ninth Circuit has held that default judgment is an appropriate sanction  
22 for a corporation's failure to retain counsel for the duration of the litigation. *United States v. High*  
23 *Country Broadcasting*, 3 F.3d 1244, 1245 (9th Cir. 1993).

24 Having reviewed and considered the matter, and for good cause shown,

25 **IT IS ORDERED:**

- 26 1. Lewis Roca Rothgerber's Motion to Withdraw (ECF No. 40) is **GRANTED**.  
27 2. Third-party defendant Dominic Rubino shall have until **November 16, 2018** in  
28 which to retain substitute counsel who shall make an appearance in accordance with

1 the requirements of the Local Rules of Practice, or shall file a notice with the court  
2 that he will be appearing in this matter *pro se*.

3 3. Mr. Rubino's failure to timely comply with this order by either obtaining substitute  
4 counsel or filing a notice that he will be appearing in this matter *pro se* may result  
5 in the imposition of sanctions, which may include a recommendation to the District  
6 Judge for default judgment.

7 4. As a corporation cannot appear except through counsel, defendants/counter-  
8 plaintiffs Dom Rubino Consulting Services, Inc. and Bizstratplan, Inc. shall have  
9 until **November 16, 2018** in which to retain substitute counsel who shall make an  
10 appearance in accordance with the requirements of the Local Rules of Practice.

11 5. Defendants/counter-plaintiffs Dom Rubino Consulting Services, Inc. and  
12 Bizstratplan, Inc.'s failure to timely comply with this order by obtaining substitute  
13 counsel may result in the imposition of sanctions, which may include a  
14 recommendation to the District Judge that default judgment be entered against them

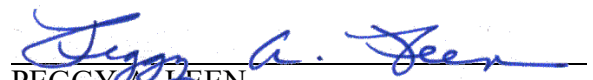
15 6. The Clerk of the Court shall serve the affected parties with a copy of this order at  
16 their last known addresses:

17 Dom Rubino Consulting Services, Inc.  
18 126 Granville Street  
19 New Westminster, BC V3L 2E6, Canada

20 Bizstratplan, Inc.  
21 126 Granville Street  
22 New Westminster, BC V3L 2E6, Canada

23 Dominic Rubino  
24 126 Granville Street  
25 New Westminster, BC V3L 2E6, Canada

26 DATED this 17th day of October 2018.

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PEGGY A. LEEN  
UNITED STATES MAGISTRATE JUDGE